

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**FURTHER STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
PROCESS TO LOG EXEMPLAR
MATERIALS FROM FACEBOOK'S APP
DEVELOPER INVESTIGATION**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on September 11, 2020, the parties stipulated and agreed to a methodology for Facebook to log a sample set of materials from its App Developer Investigation over which Facebook asserts a claim of privilege (Dkt. 513) (“ADI Sampling Stipulation”);

2. Whereas, the ADI Sampling Stipulation provides that the parties will subsequently agree to a timetable for the production and logging of sample ADI materials, to allow time for (i) Plaintiffs to select a set of apps for this exercise and (ii) Facebook to assess the number of documents potentially related to those apps;

3. Whereas, on September 16, 2020, Plaintiffs identified a set of apps under the terms of the ADI Sampling Stipulation;

4. Whereas, the parties stipulated and agreed to a protocol for the logging of privileged materials, which the Court entered on June 18, 2020 (Dkt. 462) (“Privilege Log Protocol”).

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. By October 26, 2020, Facebook will (a) review the documents potentially related to the apps selected by Plaintiffs and identified under the terms of the ADI Sampling Stipulation; (b) produce any responsive, non-privileged materials; and (c) ascertain from the documents collected for the agreed-upon custodians the names of any data scientists and engineers who worked on ADI with respect to the selected apps. To the extent Facebook encounters any unanticipated issues with the collection and review of these documents, Facebook will notify Plaintiffs immediately and the parties will cooperate in good faith to determine whether an extension of the October 26, 2020 deadline is needed.

2. To the extent additional custodians are ascertained under Paragraph 1.c above, the parties will meet and confer regarding a reasonable timeframe for the collection and review of any additional materials.

3. Consistent with the Privilege Log Protocol, Facebook will log any materials that Facebook reviewed and withheld from the production referenced in Paragraph 1 of this section as privileged within 45 days of the production.

4. The parties will thereafter meet and confer and anticipate submitting a separate briefing schedule for the Court, consistent with Discovery Order No. 7 (“The Court, anticipates that briefing on the privilege dispute will commence no later than some time in January 2021.”)

Dated: September 25, 2020

KELLER ROHRBACK LLP

By: /s/ Derek W. Loeser

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: October 6, 2020

